

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY L. DRYDEN,

Plaintiff,

vs.

TAD R. MCDOWELL,

Defendant.

Case No. 2:13-cv-00973-JAD-CWH

REPORT & RECOMMENDATION

Presently before the court is pro se plaintiff Jeffrey L. Dryden's second amended complaint (ECF No. 6), filed on April 25, 2014. The court previously entered a screening order under 28 U.S.C. § 1915 in which it granted plaintiff leave to proceed *in forma pauperis* and dismissed plaintiff's first amended complaint with leave to amend. (Order (ECF No. 4).) Plaintiff timely filed his second amended complaint.


Before the court had an opportunity to screen plaintiff's second amended complaint, the clerk of court entered a notice stating that if no action was taken in this case by October 1, 2016, the clerk would enter an order of dismissal for failure to prosecute under Local Rule 41-1. (Notice (ECF No. 9).) Given that the second amended complaint was awaiting screening by the court, it appears the clerk of court's notice was entered in error. Regardless, plaintiff failed to respond to the clerk's notice or to take any other action indicating that he still intends to pursue this case. Given plaintiff's apparent abandonment of his case, and in the interest of judicial economy, the court will not screen plaintiff's second amended complaint and will recommend that his case be dismissed without prejudice.

1 IT IS THEREFORE RECOMMENDED that plaintiff Jeffrey L. Dryden's case be dismissed
2 without prejudice.

3 **NOTICE**

4 This report and recommendation is submitted to the United States district judge assigned to
5 this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may
6 file a written objection supported by points and authorities within fourteen days of being served
7 with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may
8 waive the right to appeal the district judge's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
9 1991).

10 DATED: October 17, 2016

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13 **C.W. Hoffman, Jr.**
14 **United States Magistrate Judge**